

REMARKS

Claims 1-20 are all of the pending claims, with claims 1 and 17 being written in independent form.

I. Allowable Subject Matter:

The Examiner indicates that claims 3 and 10 would be allowable if they were rewritten in independent form. Applicants do not, however, rewrite these claims because independent claim 1 is believed to be patentable for the reasons discussed in details below.

II. Claim Rejections on Prior Art Grounds:

The Examiner rejects claims 1, 2, 4-7, 11-14 and 17-20 under 35 U.S.C. §103(a) as being obvious over US 5,844,186 to Meriwether (“Meriwether”) in view of US 6,559,745 to Yamagata et al. (“Yamagata”). Applicants respectfully traverse this rejection in view of the following remarks.

A. Independent Claim 1:

Independent claim 1 recites (among other things) that the actuating element is moveable between an operating position and a safe position, “wherein, in the operating position, the moving contact element is switchable by the electromagnetic drive apparatus between the bridging position and the disconnected position.” An example, non-limiting embodiment of this feature will be appreciated with reference to Fig. 4. As shown, the actuating element 12 may be located at an operating position. Here, the plunger 8 may be driven by the electromagnetic drive apparatus 4 to switch the moving contact element 5 between a bridging position (in which the moving contact element 5 connects a pair of stationary contacts 6,7) and a disconnected position (in which the moving contact element 5 disconnects the stationary contacts 6,7). At least this feature (as recited in independent claim 1), in combination with the other features recited in independent claim 1, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner relies heavily upon the Meriwether reference to teach most of the features defined by claim 1, including the claimed actuating element. In so doing, the Examiner

compares Meriwether's tab 22 to the actuating element of the present invention. This rejection position is not convincing for the following reasons.

With reference to Fig. 1 of Meriwether, the disclosed contactor 10 is provided with a mechanical lock-out feature. In particular, a stationary plate 32 is mounted on the housing 24 of the contactor 10, and a sliding plate 38 is movably mounted on the stationary plate 32. The sliding plate 38 includes a stop 50. When the sliding plate 38 is in an upward position, the stop 50 prevents movement of the tab 22 (and thus the armature 16). And when the sliding plate 38 is in a downward position, the movement of the tab 22 (and thus the armature 16) is unobstructed in the actuation direction 20.

Applicants agree with the Examiner to the extent that the tab 22 (and thus the armature 16) is moveable between two positions, inclusive of (1) an actuating position, in which the armature 16 is pulled fully in the actuation direction 20 so that contacts close and current flow between upper and lower terminals 26, and (2) a non-actuating position, in which the armature 16 is moved in the direction opposite to the actuation direction 20 so that contacts open and current does not flow between the upper and lower terminals 26. Put differently, the contacts of the contactor 10 open and close only by virtue of the tab 22 (and thus the armature 16) moving between the actuating position and the non-actuating position. But if the tab 22 remains in the actuating position, the contacts of the connector 10 are not switchable "between the bridging position and the disconnected position," as required by independent claim 1. The Examiners' assertions to the contrary are tenable only by placing a strained interpretation on the reference.

B. Independent Claim 17:

Independent claim 17 recites (among other things) "actuating means for moving relative to the moving contact element." The relative movement between the actuating means (inclusive of the actuating element 12) and the moving contact element 5 will be appreciated by comparing Figs. 1 and 4. At least this feature (as recited in independent claim 17), in combination with the other features recited in independent claim 17, is not taught or suggested by the prior art relied upon by the Examiner.

The Meriwether reference is simply not pertinent to claim 17 because the tab 22 (apparently compared by the Examiner to the claimed "actuating means") is fixed to the armature 16 (and thus the moveable contact).

CONCLUSION

In view of the above, reconsideration and allowance of each of claims 1-20 is earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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